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EXAMINER

ZURITA, JAMES H

ART UNIT PAPER NUMBER

3625

DATE MAILED: 06/19/2002

#10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/377,447

Applicant(s)

BEZOS ET AL

Examiner

James Zurita

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 8.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Amendment***

Examiner rejected claims 1-36 in a First Office Action of 7 February 2002. In a phone interview of 4 April 2002, Examiner and applicants' attorney discussed perceived distinctions between the application and reference cited in rejection.

In an amendment filed 5 April 2002, applicants amended claims 1, 2, 4, 12, 24, 26, 32, 33, 36 and added new claims 37-50. Applicants traversed Examiner's rejections of remaining claims.

Applicants' arguments with respect to not-amended claims 3, 5-11, 13-23, 25, 27-31, 34, 35 have been fully considered but they are not persuasive.

Applicants' arguments with respect to amended claims 1, 2, 4, 12, 24, 26, 32, 33, 36 have been considered and are moot in view of the new ground(s) of rejection.

Arguments with respect to new claim 43 will be discussed below.

Claims 1-50 are pending; they will be considered for examination.

### ***Response to Arguments***

Claims 1-36 were rejected as anticipated under 102(e) by Linden et al. (US Patent 6,266,649). Applicants argue generally that Linden does not disclose

- the identification of items that are popular within specific user communities, wherein different communities represent different groups or subsets of users.

- a method of evaluating the popularity of an item within a particular user community, wherein the method takes into consideration the actions of users both inside and outside the community.
- identification of items that are popular within specific "implicit membership" communities - such as those based on email addresses or shipping addresses of users.

In response to applicants' arguments, the examiner apologizes for any confusion and puts forth new arguments using the same art. Linden teaches, use of current and historical data to track and analyze user behavior and identify trends on a web site. Linden discloses identifying users as members of one or more subsets of a general population. Linden also teaches notifying users (inside and outside a subset of a general population) concerning popularity of items based on analysis of user behavior (inside and outside a subset of a general population).

These teachings will be the basis for the rejections that follow.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA

1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 12, 26, 32 and 43 are provisionally rejected under the judicially created doctrine of double patenting over claims 1, 13, 18 of copending Application No. 09/377322. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter. Both applications are obvious extensions of collaborative filtering to identify a community of users as follows: Both applications direct claims to relating users to one or more subsets of a general population, tracking and storing actions, including purchases, concerning items, analyzing item history, according to actions of one or more subsets of users, to determine popularity (or other aspects) of item(s), comparing item popularity (or other

aspects) within or outside subset(s) of users, notifying users concerning (within or outside) item popularity (or other aspect).

One of ordinary skill in the art at the time the invention was made would have been motivated to include purchasing, browsing, and other types of actions for users, and to analyze historical data for making recommendations to users within and outside identified subsets for the obvious reasons that such statistical market analysis allows for targeted marketing, thereby increasing profits for a seller and benefits for buyers.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden et al. US Patent 6,266,649.

As per claims 1, 12, 26, 32, 43, Linden discloses methods and systems of assisting users in selecting items from an electronic catalog of items, the catalog accessible to users of an online sales system that provides services for allowing users to purchase items from the catalog, the method comprising:

- providing a database which contains information about a plurality of user communities, wherein different communities represent different subsets of users

of the sales system (see at least Col. 1, lines 51-Col. 2, line 37; Col. 5, lines 56-Col. 6, line 67; Col. 7, line 20 – Col. 9, line 15).

- tracking/monitoring at least one type of user action/activity that indicates user affinities for particular items of the catalog to generate history data (see at least Col. 2, lines 22-29; Col. 3, lines 15-29; Col. 3, line 47-Col. 4, line 7; Col. 4, line 42-Col. 5, line 5; Col. 6, lines 60-67; Col. 14, lines 43-56; Col. 16, lines 6-36; Col. 16, lines 49-58. As per claims 1 and 12, user actions may include purchases as well as viewing of items);
- identifying a subset of users of an online sales system that have email addresses that satisfy a particular criteria, wherein the subset comprises a plurality of users (see at least Col. 1, lines 11-14; Col. 1, lines 56-67; Col. 2, lines 1-11; Col. 7, lines 20-39; Col. 12, lines 15-25; communities: Col. 1, lines 5-9; Col. 1, lines 42-45; Col. 2, lines 22-37; Col. 3, lines 15-18; Col. 5, lines 56-67; Col. 8, line 64 – Col. 9, line 15; user profiles and other database tables contain information about the users, including email addresses. These various tables can be searched to sort and group users by email address meeting specified criteria);
- identifying at least one item that is popular among the subset of users, wherein the step of identifying comprises processing purchase history data of a subset of users and of users falling outside said subset (see at least Col. 2, lines 22-29; Col. 3, lines 15-29; Col. 3, line 47-Col. 4, line 7; Col. 4, line 42-Col. 5, line 5; Col. 6, lines 60-67; Col. 14, lines 43-56; Col. 16, lines 6-58. Item data, including purchase histories, ratings, etc. as found in database 38, may be processed to

- identify items that are popular among a subset of users and among users falling outside the subset, by excluding the subset of users from the population); and
- processing/analyzing at least history data of a general population, including a subset of users, based on actions of both members and non-members of a selected community of a plurality of user communities to identify item(s) that distinguish the subset from a general population and items which have become popular in a selected community relative to its popularity outside a selected community (see at least Col. 2, lines 22-29; Col. 3, lines 15-29; Col. 3, line 47-Col. 4, line 7; Col. 4, line 42-Col. 5, line 5; Col. 6, lines 60-67; Col. 14, lines 43-56; Col. 16, lines 6-58. Product databases, purchase histories, ratings, etc. as found in database 38, may be grouped by subsets of users. Items purchased by the specified community may be ranked by popularity within the specified subset of users. Database systems often include commands such as GROUP BY, ORDER BY, etc. Rankings of item(s) for a subset of users may be compared with rankings of item(s) from a general population to obtain distinguishing characteristics between selected communities and general populations); and
  - electronically notifying users that the at least one item is popular within the selected community and recommending items from the set of items to members of a subset ((for different ways of notifying users electronically, see at least Col. 2, lines 45-56; Col. 10, lines 28-36; Col. 11, lines 47-56; Col. 3, lines 7-37; Col. 6, lines 14-24; Col. 8, lines 1-49; Col. 9, lines 16-52; Col. 12, lines 38-44; Col. 14,



lines 43-57; Col. 15, lines 26-67; all describe popular items, weighed and grouped accordingly – the lists are often called suggested readings list, most highly recommended list, recommended list, hotseller list, bestseller list, etc.).

As per claims 1, 12, 26, 32 and 43, Linden tracks and stores item data and user actions such as purchasing and viewing. Linden uses historical data, possibly in time-spans, as input to statistical analysis. The output of statistical analysis provides sellers with item information that may be identified by user identification. User identification may be used to classify users as members of one or more subsets of a general population (“user communities”). Thus, popularity of an item may be tracked according to a general population of users. A general population can be classified also into various subsets, and users can be identified as belonging to one or more subsets of a general population. Therefore, it would be obvious to also identify the popularity of an item according to subsets other than a selected subset. One can then analyze trends in a user subset and compare the trends to trends for the same items in the general population. Additionally, one can compare related trends for item-families in a user subset to trends for item-families in the general population.

Recommendations can thus be made to users in a general population who are not members of the identified subset of users, based on popularity of an item in other user communities. The users who are not members of an identified subset of users may themselves be identified as belonging to other subsets as desired. Sellers can also expand or restrict notifications by other attributes of an identified subset and/or of

the general population. Thus, items that are more popular in a particular user community (i.e., a subset of users), may be brought to the attention of

Linden does not specifically use the words “based on actions of both members and non-members of a selected community of said polarity of user communities”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include purchasing, browsing, and other types of actions for users, and to analyze historical data for making recommendations to users within and outside identified subsets for the obvious reasons that such statistical market analysis allows for targeted marketing, thereby increasing profits for a seller and benefits for buyers.

One of ordinary skill in the art at the time the invention was made would have been motivated to include purchasing, browsing, and other types of actions for users, and to analyze historical data for making recommendations to users within and outside identified subsets for the obvious reasons that such statistical market analysis allows for targeted marketing, thereby increasing profits for a seller and benefits for buyers.

As per claim 2, Linden discloses that notifying users may comprise generating a Web page which includes a community-based most popular items list (see at least Col. 1, lines 27-32; Col. 10, lines 28-36; Col. 11, lines 47-56; Col. 15, line 42-Col. 16, line 23).

As per claim 3, Linden discloses that the most popular items list is a bestsellers list (see at least Col. 3, lines 7-37; Col. 6, lines 14-24; Col. 8, lines 1-49; Col. 9, lines 16-52; Col. 12, lines 38-44; Col. 14, lines 43-57; Col. 15, lines 26-67; all describe popular

item lists, weighed and sorted accordingly – the lists may be referred to as a hot seller list, bestseller list, recommended list; most highly recommended list, etc.)

As per claim 4, Linden discloses that notifying users may comprise automatically generating and sending email message(s) to members of the selected community (see at least Col. 2, lines 46-56; Col. 10, lines 28-37; Col. 11, lines 47-56).

As per claim 5, Linden discloses that email messages may contain contact information of at least one member of the community that has purchased an item described in the email message (see at least Col. 2, lines 46-56; Col. 10, lines 28-37; Col. 11, lines 47-56. As is well known in the art, an email may contain text, may contain hyperlinks, and may contain entire HTML web pages, with embedded hyperlinks. Hyperlinks identified by the HREF tag may be Universal Resource Locators as well as email addresses. The email address may be one of those selected from a database).

As per claims 6-11, 16-17 and 36 Linden discloses that processing purchase history data to identify at least one item comprises identifying a set of characterizing purchases for a community, wherein the community is an implicit membership community and where the community is a composite community which comprises multiple other communities of the database, and that a subset may consist of members of an implicit-membership community (see at least Col. 2, lines 46-56; Col. 5, lines 31-47; Col. 5, lines 34-41; Col. 10, lines 37-46. Explicit – users actively join. Implicit – computer identified from information known about the user (stored in a database) – e.g., Microsoft.com users, geographic region base. Implicit and explicit communities can be determined from email and shipping addresses – see application, page 7, lines 6-9).

As per new claims 37, 38 and 50, Linden discloses that one may process history data for specified look-back periods of time, including such periods as may be defined to be most recent (see at least Col. 7, lines 49-67; Col. 9, lines 16-26; Col. 10, lines 46-63; Col. 12, lines 16-24). Thus, one may substantially exclude purchase history falling outside a look-back period to calculate item popularity levels that reflect current interests of users.

As per claim 13, Linden discloses a process comprising

- a first process which generates a data store which contains bestselling items lists for at least some of the communities (see at least Col. 3, lines 7-37; Col. 6, lines 14-24; Col. 8, lines 1-49; Col. 9, lines 16-52; Col. 12, lines 38-44; Col. 14, lines 43-57; Col. 15, lines 26-67; all describe popular items, weighed and sorted accordingly – the lists may be referred to as a hotseller list, bestseller list, recommended list; most highly recommended list, etc.), and
- a second process which selects items from the table to display to users (see at least Col. 3, lines 40-50; Col. 6, lines 60-67; Col. 10, lines 13-37).

As per claims 14 and 15, Linden discloses a user interface which allows users to select and join at least some of the user communities (see at least Col. 1, lines 35-30; Col. 2, lines 46-56; Col. 5, lines 31-47; Fig. 1 and related text, Col. 7, line 5 - Col. 10, line 3; Fig. 6 and related text, Col. 15, line 53-Col. 16, line 22; All describe web user interfaces. Fig. 6 shows item 202, which displays category-specific recommendations, and item 200, which allows users to view other items. These items are based on selected criteria. Selected criteria may include user email domain, geographical

location, company domain, or other data stored in user profile and purchase databases.

User profile fields may be saved as a user navigates through the web site. The cookie on the user's machine allows the server site to track selected items, including items purchased, items viewed and not purchased, length of time on specific web pages, user's email address. Users can also be tracked using collaborative filtering techniques based on the interest of a community of users, as per Col. 1, line 42-Col. 2, line 29.

These communities may be divided and subdivided according to specified research and marketing requirements. Displays on the web may include any and all items found in any of the databases in the system. Displays may include descriptions of items, as in claim 21).

As per claims 19, 20, 24 Linden discloses that a process generates and displays community bestsellers lists for at least some of the communities (see at least Col. 3, lines 7-37; Col. 6, lines 14-24; Col. 8, lines 1-49; Col. 9, lines 16-52; Col. 12, lines 38-44; Col. 14, lines 43-57; Col. 15, lines 26-67; all describe popular items, weighed and sorted accordingly – the lists may be referred to as a hot seller list, bestseller list, recommended list; most highly recommended list, etc. The list may be displayed on a web page, and the list may also include items that are popular among non-members of particular communities).

As per claims 21, 22, 23 and 31, Linden discloses notification emails to at least some of the users in a subset and include descriptions of the items that are popular within particular communities, contact information of users that have purchased items described therein, and may specify a level of acceptance an item has attained within a

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particular community (see at least Col. 1, lines 1-10; Col. 1, lines 41-56; Col. 2, lines 33-56. Once items are selected by community criteria, as in claims 19, 20, 24, the system may broadcast the information to either an entire email list, or to subsets of the email list. The email distribution/notification/broadcast list may be created by selection from user profiles. See also rejection of claim 26).

As per claim 25, 35 and new claims 41, 44 and 45, Linden discloses the use of statistical analysis on history data, including purchase history data to identify item(s) that are popular in a general population or in a subset of the population (see at least Col. 1, lines 23-27; Col. 1, lines 44-46; Col. 2, lines 14-21; Col. 3, lines 24-28; Col. 3, lines 35-37; Col. 6, lines 1-5; Col. 13, lines 50-53; Col. 14, lines 4-9).

Linden does not use the terms velocity/acceleration of an item within a subset, or velocity/acceleration of an item in a general population. Linden does not specifically disclose the use censored chi-square algorithm to identify an item or a set of items to distinguish a subset of users from a general population of users according to the item(s), or that is relatively popular among a subset of users. However, Statistical analysis methods analyze discrete and continuous probability distributions.

Comparative marketing analysis also includes analyzing and comparing how an item sells within different subsets of a general population. Discrete distributions include the geometric, the hypergeometric, and the negative binomial; Continuous distributions include the uniform, exponential, gamma, chi-square, beta, t, and F).

Therefore, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to include various types of statistical analysis, including continuous probability distributions such as chi-square.

One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to include various types of statistical analysis, including continuous probability distributions such as chi-square, for the obvious reason that statistical analysis packages and methods are critical to improve marketing and sales of products. Better marketing through statistical analysis promotes more sales of products and increased profits for a business.

As per claims 27, 28 and 29 Linden discloses that identifying a subset of users comprises identifying all users of a selected email domain users, or wherein the selected email domain is an email domain of a selected company, or wherein identifying a subset of users comprises identifying all users of a selected group of email domains (see at least Col. 1, lines 11-14; Col. 1, lines 56-67; Col. 2, lines 1-11; Col. 7, lines 20-39; Col. 12, lines 15-25; communities: Col. 1, lines 5-9; Col. 1, lines 42-45; Col. 2, lines 22-37; Col. 3, lines 15-18; Col. 5, lines 56-67; Col. 8, line 64 – Col. 9, line 15; user profiles and other database tables contain information about the users, including email addresses. The various tables can be searched and sorted by users' email address. Subsets of users may then be selected according specified criteria or by subsets of users, including email domain names, email company names and selected group of email domains).

As per claim 30, Linden discloses that electronically notifying comprises generating a Web page that includes a list of bestselling items among the subset of users (see at least Col. 1, lines 27-32; Col. 10, lines 28-36; Col. 11, lines 47-56; Col. 15, line 42-Col. 16, line 23).

As per claim 33, Linden discloses that processing history data comprises processing purchase history data, and that a set of items consists essentially of items purchased by members of a subset (see at least Col. 1, lines 5-9; Col. 2, line 57-Col. 3, line 6; Col. 3, lines 56-60; Col. 7, lines 20-25; Col. 9, lines 16-26; Col. 10, lines 37-69; Col. 12, lines 4-67; Col. 14, lines 27-34; Col. 15, lines 63-67. With data from purchase histories tables, user profiles, and community links found in user profiles, a computer may process the information needed to present a list of a set of items that are purchased by specified criteria. Such criteria may include user community/group sets and subsets. Other criteria may include date ranges for historical analysis, geographic location, including country, province or state, city, district, etc.).

As per claims 34, 47 and 48, Linden discloses that tracking user activity comprises tracking item viewing events and item purchases (see at least Col. 1, lines 23-32; Col. 5, lines 31-47; Col. 7, lines 55-61; Col. 9, line 6 - Col. 10, line 63).

As per claims 39, 40, 42 Linden discloses identifying at least one item that is popular among the subset of users comprises comparing a popularity level of the item among the subset of users to a popularity level of the item among a general population of users (see at least rejection of claims 1, 12); identifying at least one item that is popular among the subset of users comprises identifying a set of items that distinguish



the subset from a general population of users, as in claim 40 (see at least rejection of claims 1, 12); identifying at least one item that is popular among the subset of users comprises at least one of (a) comparing a velocity of an item within the community to a velocity of the item within a general user population; and (b) comparing an acceleration of the item within the community to an acceleration of the item within a general population, as in claim 42 (see at least rejection of claims 1, 12).

As per claim 46 and 49, Linden does not specifically disclose the use of geography or cities or shipping addresses to identify subsets of users. Thus, Linden does not specifically disclose notifying at least one user that an item is popular within the geographic region. Linden discloses the use of World Wide Web sites in electronic commerce.

Therefore, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to include geographic regions, including cities and similar information, to identify subsets of users.

One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to include geographic regions, including cities and similar information, to identify subsets of users, for the obvious reason that commerce in general, and electronic commerce, includes shipping goods to users addresses. In order to send many physical goods, one needs an address, and addresses include cities, states, countries, etc. Successful marketing of products requires knowing geographic information in at least the following examples: Merchants will target sales of coats and other winter gear to subsets of users who live in geographic

areas and cities that require coats and winter gear. Within these subsets of users who live in these geographic areas, merchants would likely market heavier winter coats to subsets of users who live in Finland, and less heavy winter gear to subsets of users who live in cities in northern California. In addition, merchants may present residents of Ontario with a list of winter gear (e.g., snowshoes, felt boot linings, etc.) that is popular in Finland, with the idea that residents in colder climates might purchase items popular in other parts of the world.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linden (US Patent 6,266,649) in view of Robertson, US Patent 6,269,369.

As per claim 18, while Linden teaches identifying a community via email addresses stored in a database, Linden does not disclose that at least some of the communities are based on electronic address books of the users. Robertson discloses the use of electronic address books of users (see at least Col. 2, line 57-Col. 13, line 11, Fig. 8, Fig. 10 and related text).

Therefore, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to include electronic address books of users among the methods of identifying communities.

One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to include electronic address books of users among the methods of identifying communities for the obvious reason that people often want to share information concerning purchases, and often recommend items to their friends. Both buyers and sellers benefit in that additional purchases may be possible.

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The following art was cited in co-pending application 09/377322. The art generally describes recommendation systems similar to applicants' US 6226649 B1, issued 1 May, 2001, Bodamer et al., US 6041311 A, 21 March 2002, Chislenko et al., US 6064980 A, 16 May, 2001, Jacobi et al., US 5918014 A, 29 June, 1999, Robinson US 5786395 A, 28 July 1998, Stone et al.

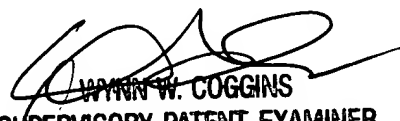
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8:30 am to 5:00 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687 for both regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

*JZ*  
**James Zurita**  
**Patent Examiner**  
**Art Unit 3625**  
June 16, 2002

  
**WYNN W. COGGINS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**